

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION**

SleekEZ, LLC,

CV 16-09-BLG-SPW-CSO

Plaintiff,

SCHEDULING ORDER

vs.

Hal Horton d/b/a Groom Ninja;
and John Does 1-20,

Defendants.

A preliminary pretrial conference was held on June 2, 2016. Jeffery J. Oven and Shalise C. Zobell appeared telephonically and represented Plaintiff SleekEZ, LLC. Eric E. Nord represented Defendant Hal Horton d/b/a Groom Ninja.

After discussion and upon the agreement of the parties, IT IS ORDERED:

1. The following deadlines govern all further pretrial proceedings:

[Continuance of these deadlines will not be granted absent good cause. A continuance of any deadline set by this order will not extend any other deadline. Parties may stipulate to alter any deadlines other than those set forth in *Local Rule 26.3(a)(5)*. Such stipulations will not be enforced unless they comply with *Local Rule 83.4*.]

Motions to Amend Pleadings
(Including Joinder of Parties):

July 20, 2016

Simultaneous Serving of
Expert Disclosures:

September 1, 2016

Serving of Rebuttal Expert
Disclosures:

October 1, 2016

Discovery Deadline (discovery must
be served so that responses are due
on or before this date):

November 1, 2016

Motion for Settlement Conference
Before a U.S. Magistrate Judge:

November 1, 2016

Motions Deadline (except motions
otherwise scheduled):

November 30, 2016

2. FURTHER SCHEDULING

After the Motions Deadline and following disposition of any motions filed, United States District Judge Susan P. Watters will schedule further matters, including: (1) a deadline for motions in limine; (2) a date for the final pretrial conference and associated deadlines; and (3) the trial date.

3. FILINGS

Pursuant to L.R. 1.4(c)(5), parties must submit a paper copy of all filings in excess of twenty pages. "Filings" includes any combination of a motion, brief in support, attachments or exhibits that, when taken together, exceed twenty pages.

4. STIPULATIONS

The parties stipulate as to those facts set forth in their Statement of Stipulated Facts (*ECF No. 9*).

5. RULES OF PROCEDURE

Counsel must be familiar with and adhere to both the Federal Rules of Civil Procedure and the Local Civil Rules of Procedure. Briefing of all motions will be governed by Local Rule 7.1(d).

6. COURTROOM TECHNOLOGY

All questions regarding courtroom technology and technology available for trial may be directed to Cecil Chandler (406) 247-2323.

7. DISCOVERY

- (a) Interrogatories and requests for production must be served no later than 33 days prior to the discovery deadline specified in Paragraph 1 above.
- (b) During discovery, exhibits shall be numbered seriatim. Numbers used for exhibits during discovery shall be identically used at trial.
- (c) Pursuant to Fed. R. Civ. P. 16(c)(2)(c), the parties stipulate to the foundation and authenticity of all discovery items produced in pre-trial disclosure and during the course of discovery, unless:
 - (1) If counsel objects to either the foundation or the authenticity of a particular discovery item, then counsel must make a specific objection to opposing counsel, in writing, within a reasonable time after receiving the item; and
 - (2) If a discovery item is produced and the producing party objects either to its foundation or authenticity, the producing party shall so state, in writing, at the time of production.

8. EXPERT REPORTS

- (a) Expert reports must satisfy the specific requirements of Fed. R. Civ. P. 26(a)(2)(B). **An inadequate report or disclosure under Fed. R. Civ. P. 26(a)(2)(B) may result in the exclusion of some or all of the expert's opinions at trial even though the expert has been deposed.**
- (b) For expert witnesses who are not required to provide a report, parties must serve the disclosure required by Fed. R. Civ. C. 26(a)(2)(c).
- (c) Rebuttal Experts identified and disclosed under Fed.R.Civ.P. 26(a)(2) are limited to those persons expected to be called as experts to contradict, rebut, or impeach expert opinions on new subject matter identified by another party which could not reasonably have been anticipated at the time of the initial disclosures.

DATED this 2nd day of June, 2016.

/s/ Carolyn S. Ostby
United States Magistrate Judge